



# California Regional Water Quality Control Board

## Los Angeles Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

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### Los Angeles Regional Water Quality Control Board

#### Minutes of November 6, 2003 Regular Board Meeting held at Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, CA

#### INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:20 am.

#### Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, R. Keith McDonald, Brad Mindlin, and H. David Nahai

#### Board Members Absent

Christopher Pak and Tim Shaheen

#### Staff Present

Deborah Smith, David Bacharowski, Robert Sams, Ronji Harris, Jack Price, Jenny Newman, Laura Gallardo, Jon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen, Yue Rong, Rodney Nelson, Veronica Cuevas-Apulche, Raymond Jay, Melinda Becker, Wen Yang, Don Tsai, Namiraj Jain Cassandra Owens, Don Tsai, Dionisia Rodriguez, Elizabeth Erickson

#### Others Present

William Dial, ChevronTexaco  
Mark Gold, Heal the Bay  
Carrie Inciong, LA County Department of  
Public Works  
Travis Lange, City of Santa Clarita  
Nicole Granquist, LA County Sanitation Districts  
Margaret Nellor, LA County Sanitation Districts  
Brian Louie, LA County Sanitation Districts  
Vicki Conway, LA County Sanitation Districts  
Lieutenant Colonial David Turk, Army Corps  
of Engineers  
Gideon Kracov, City Attorney's Office  
  
Christopher Munn, Supervisor Knabe's Office  
Sharon Rubalcava

Brad Boschetto, Shell Oil Company  
Yugal K. Lall, City of Malibu  
Martha Rincon, LA County Sanitation  
Districts  
Bruce Douglas, City of Malibu  
Debra Baumann, Tujunga Watershed  
LA City Councilman Greig Smith  
Brian Williams, Office of the Mayor  
Bernard C. Parks Jr  
Bob Haueter, Supervisor Antonovich's  
Office  
Gary Washburn, Assemblyman  
Richman's Office  
Dave Edwards, BFI  
Shari Libicki

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Jerry Piro, East Valley Coalition  
Fritz Bronner, Foothill Tracks District Council  
Debra Baumann, Tujunga Watershed Council  
Mary Decker, City Attorney's Office  
Ernest Hilberg  
Frank McArthur, North Valley Coalition  
Ronald Nagai, Interim President, Porter Ranch  
Neighborhood Council  
Maryellen Crosby, Friends of Park  
Jacqueline Margo  
Anne Ziliak, North Valley Coalition  
Kelly McDowell, City of El Segundo Councilmember

Beth Hall  
Kim Thompson  
Vatchie Kasumyan  
Adriene Biondo  
Hank Feldmann  
Jerry Piro, East Valley Coalition  
Mary Anna Kienholz  
Mike Rigley, North Valley Coalition  
Peggy Johnson, North Valley Coalition  
Ben Pedrick, Granada Hills North  
Neighborhood Council  
Kirk Margo  
John Leonard  
Cherie Mann

#### Pledge of Allegiance

1. Roll Call

2. Order of Agenda.

*There were no changes to the order of the Agenda.*

3. Approval of Minutes for Minutes for October 2, 2003.

4. Board Member Communications and Ex Parte Disclosure

*Board Member Levy reported that she spoke with Los Angeles City Councilmembers Garcetti, Weiss, and Grueul about the Sunshine Canyon Landfill permit in general terms.*

*Board Chair Cloke reported that she met with Wayne Nastri regarding the Charnock basin settlement and City of Los Angeles SSO case. She also reported that she met with the LAUSD sustainability task force to discuss water quality and other sustainability issues.*

5. Executive Officer's Report

*Debbie Smith, Assistant Executive Officer, discussed the recent Santa Susana Field Lab permit and Malibu Pathogen TMDL workshops, the State Board regular monthly workshop and the upcoming Regional Board workshop on agriculture policy.*

*David Bacharowski, Assistant Executive Officer, discussed the governor's approval of the City of Downey NASA transfer for cleanup and development.*

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*Paula Rasmussen, Chief, Enforcement and Groundwater Permitting unit, discussed recent enforcement actions.*

*Steve Cain, Senior Environmental Planner, Executive Office, gave a presentation on the Water Quality Awards.*

6. Public Forum

*There were no speakers during public forum.*

7. Uncontested Items

*There was a motion to approval the following consent items:  
8.1, 11, 12*

MOTION: By Vice Chair Diamond, seconded by Board Member Levy, and approved on a voice vote. No votes in opposition.

9.1 &

10.1 NPDES Permit Renewals for Saugus Water Reclamation and Valencia Water Reclamation Plants

*Blythe Ponek-Bacharowski, Chief, Watershed Regulatory unit, gave the joint staff report for the two items. She discussed the background on the plants, including their location, capacity, discharge points, the phased upgrade to the Valencia N/DN system, and the beneficial uses of the Santa Clara River, including groundwater recharge. She then reviewed the compliance history of both plants and major changes to the permits, including SIP based reasonable potential analyses, CTR limits, temperature limits, nitrate limits, end-of-pipe ammonia limits, nitrite+nitrate limits, and TMDL waste load allocations. She reviewed changes to the monitoring and reporting program, discussed LA County Sanitation Districts unresolved issues with the permits, and reviewed changes in the change sheet.*

9.2 &

10.2 Time Schedule Orders (TSOs) for Saugus Water Reclamation and Valencia Water Reclamation Plants

*Blythe Ponek-Bacharowski gave the joint staff report. She stated the need for interim chlorine limits at both plants, and the need for PCE, Bis(2-ethylphenyl) phthalate, and 1-4 dichlorobenzene limits at Valencia. She then reviewed discharger comments.*

*Margaret Nellor, Los Angeles County Sanitation Districts made comments on items 9.1, 9.2, 10.1, and 10.2. She stated that the Board failed to act on a request for a chlorine variance and asked that the permit renewals be postponed until a variance was granted.*

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*She stated that the Board's determination that the variance request was untimely was not explained. She also requested a 12-month rolling average for the chlorine limits.*

*Mark Gold, Heal the Bay made comments on items 9.1, 9.2, 10.1, and 10.2. He supported the TSO approach and opposed a variance. He stated that the bioassessment sampling should occur in spring and that the copper limits were too high.*

*Travis Lang, City of Santa Clarita, supported a variance, stating that LA County Sanitation Districts would pass the cost of complying with the 100 mg/L chlorine limit on to Santa Clarita residents.*

#### Board Questions

*Board Member Mindlin asked staff to explain why the Sanitation District's variance request was untimely. He asked if the Board would grant a variance if the request were timely.*

*Jon Bishop, Chief, Regional Programs Section, replied that a variance was a temporary change in a water quality objective. A variance would delay the permit renewals for at least six months and the permits were already late. He added that the chlorine TMDL already provided protections and did not impose the final limit of 100 mg/L for 13 years.*

*Debbie Smith added that the TMDL proposed a similar path to a variance but honored the existing standard of 100 mg/L while studies were conducted.*

*Board member Mindlin asked about the temperature limits. He asked if it was ambient temperature or something in the treatment process that caused the discharge temperature to rise.*

*Blythe Ponek-Bacharowski responded that there were two limits in the permit – end of the pipe limits and receiving water limits – and caveats allowing for changes in ambient temperature. She added that temperature changes caused by the treatment were insignificant.*

*Board Member McDonald asked how the plant would ever achieve the chlorine limits without advanced treatment.*

*Ms. Ponek-Bacharowski replied that if source reduction did not work, the limits would ultimately have to be met with additional costly treatment.*

*Jon Bishop added that the chlorine TMDL allowed a five-year period to examine a number of issues to determine if the limit was appropriate.*

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*Vice Chair Diamond asked if Staff was confident in the 86°F temperature limit. She asked if seasonal limits should be considered.*

*Ms. Ponek-Bacharowski replied the numbers were based on research of scientific publications and were agreed to by Fish and Game. She stated that the Basin Plan objectives were not seasonal and therefore the permit limits were not either.*

*Board Member Nahai asked about the status of the TMDL. He asked staff to elaborate on the 13-year implementation schedule.*

*Jon Bishop replied that State Board planned to hear the item in January or February of 2004. If approved, the TMDL would need approval by OAL and EPA. He then reviewed the implementation plan.*

*Board member Nahai asked, given the TMDL process, what the benefits of a variance would be.*

*Mr. Bishop replied that staff saw no difference in the methods. He stated that the difference was that the TMDL acknowledged that the current objective would be obtained in 13 years.*

*Board Member Nahai asked if the number of constituents included in the permits would be considered a misinterpretation of the SIP.*

*Ms. Ponek Bacharowski replied that the SIP required a reasonable potential analysis in order for a permit limit to be carried over.*

*Chair Cloke asked how 12-month averaging for chloride limits would work. She asked what the difference in water quality protection would be for the longer monitoring frequency. She then asked staff to address the comment requesting biannual sampling.*

*Ms. Ponek-Bacharowski replied that the longer averaging period smoothed out high and low hits. She added that this would allow instantaneous spikes in chloride concentrations.*

*Veronica Cuevas-Apulche added that the 100 mg/L objective protected agricultural beneficial uses. She stated that the 230 mg/L objective that protected aquatic life beneficial uses was never to be exceeded in the permit.*

*Ms. Ponek Bacharowski stated that previous permits required biannual sampling but were changed because the high level of water in the spring might prove dangerous for sampling.*

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*Board Member Buckner-Levy stated that she was sensitive to the problem of costs being passed down to municipalities and citizens. She also stated that she was aware of many instances when the citizens of Santa Clarita were willing to spend more money to protect the environment. She asked why there was resistance in this instance.*

*Travis Lang replied that the City was concerned about spending money to meet an objective that they doubted was necessary to protect downstream crops.*

*Board Member Nahai stated that the TMDL allowed five years to examine the appropriateness of the objective. He felt that a variance would not grant any additional protection.*

*Board Member Cloke asked why County Sanitation Districts felt the 12-month average would benefit them while still protecting water quality.*

*Margaret Nellor replied that the agricultural beneficial use is dependent on a 12-month average. She stated that the 12-month average would make compliance easier while still protecting the beneficial use.*

*Ms. Ponek-Bacharowski stated that staff had no problem with allowing a 12-month rolling average.*

*There was a motion to adopt staff's recommendation subject to the changes in the change sheet, the inclusion of a 12-month rolling average with a 230 mg/L daily max for chlorine, and a typo correction to footnote 10 on section 7 of the Saugus monitoring program.*

**MOTION:** By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

13. Hansen Dam 401 Certification Workshop

*Jon Bishop gave the staff presentation, including background on the fill activities by the Army Corps of Engineers and the status of the retroactive 401 certification application. He stated that the information submitted by the Corps was limited and inconsistent and therefore the draft 401 certification was based on a conservative approach. He stated that staff assumed all 67 acres of the lower lakes site had been impacted by the fill activities. He then reviewed the requirements of the certification, including 3:1 compensatory mitigation. He stated that after hearing comments and receiving direction from the Board, staff would issue the final certification.*

*Lieutenant Colonial David Turk, Army Corps of Engineers, stated that the public discussion of the draft certification was inappropriate because of the little time available to review the draft. He stated that based on a preliminary review, however, staff's proposal did not ensure the least amount of environmental damage during removal of fill materials.*

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The following people supported full restoration

Mary Benson, Stonehurst HPOZ  
Jose Sanmiguel, Runners Club and Community  
Dennis Kroeplin, Hanson Dam Lakes Coalition  
Jerry Piro, East Valley Coalition  
Fritz Bronner, Foothill Tracks District Council  
Debra Baumann, Tujunga Watershed Council  
Mary Decker, City Attorney's Office

Board Questions

Chair Cloke asked staff to discuss the timeframe for the certification requirements

*Jon Bishop replied that the certification required 120 days for complete removal of fill materials, six months to submit a mitigation plan, and five years to complete the mitigation, with priority given to areas is the immediate neighborhood.*

Board Member Nahai asked what kind of remedies were available for non-compliance with 401 certification requirements.

*Mr. Bishop replied that the 401 certification becomes part of a federal permit. He stated that this allowed many enforcement actions for non-compliance.*

Board Member Nahai asked if issuing a 401 certification would take away from the ability of the Board to enforce against the initial illegal dumping.

*Robert Sams, Staff Counsel replied that the certification would enhance the Board's ability to enforce.*

Vice Chair Diamond asked why staff was recommending a retroactive 401 certification and not immediate enforcement action.

*Mr. Bishop replied that without the 401 certification, the Board could only enforce State regulations.*

The Board then provided comments and suggestions for the final 401 certification.

14. Malibu Creek Bacteria TMDL Workshop

*Melinda Becker, Chief, TMDL Unit, gave the staff presentation. She described the relationship of the proposed Malibu Creek TMDL to the Santa Monica Bay Beaches TMDL. She discussed the major sources of bacteria in the watershed, the appropriate*

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*water quality objectives, and the implementation schedule. She stated that staff was proposing a six-year schedule for dry weather compliance in order to allow septic system upgrades, minimization of dry weather runoff, and diversion and treatment of storm drains. She stated that contributions of bacteria by storm water needed to be reduced by 90% to meet the TMDL and contributions from commercial and multi-family septic systems needed to be reduced by 100% to meet the TMDL. She reviewed the responsible jurisdictions and the timeframe for approvals.*

*Bruce Douglas, Questa Engineering, representing the City of Malibu, asked for a thorough explanation of the linkage of septic system discharges to surface waters. He wanted to know the specific residential and commercial areas considered in developing the source allocation. He was concerned that the data and analysis connecting septic systems to surface water did not consider attenuation and die-off of bacteria. He also asked for more explanation of the responsible jurisdictions.*

*Yugal Lall, City of Malibu, stated that the City would meet with staff in the next 2 weeks to work out issues.*

*Mark Gold, Heal the Bay, stated that the dry weather compliance date should be three years. He stated that the difficulty in reaching compliance by the responsible jurisdictions was not enough justification for the 6-year timeframe. He stated that Leo Carillo was an inappropriate reference site and opposed the inclusion of language regarding natural source exclusion for the lagoon.*

*Carrie Inciong, Los Angeles County Public Works, supported the six-year dry weather compliance schedule. She requested that an integrated resources approach be allowed for wet weather compliance. She opposed the identification of LA County as the lead responsible jurisdiction. She stated that undeveloped County land was treated the same way as State Parks land. She asked that the bird study be extended to 2 years.*

#### Board Comments

*Vice Chair Diamond expressed concern with the six-year dry weather compliance schedule.*

*Board Member Nahai also felt that a six-year dry weather compliance schedule was too long. He asked staff to address the comment that undeveloped County land was treated the same way as State Parks land. He also stated that he did not want to exclude the integrated resources approach for wet weather compliance.*

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15. Sunshine Canyon Landfill

*Paula Rasmussen, Chief, Enforcement and Groundwater Permitting Unit, gave the staff report, including background on the proposed WDRs, additional health impacts studies, the source and extent of 1-4 dioxane contamination on the inactive City-side portion of the landfill, the seismic stability of the proposed liner system, and federal wetlands regulations.*

*Dr. Paul Simon, Los Angeles County Department of Environmental Health, provided an interim report on the County's investigation of community health concerns near the Sunshine Canyon Landfill. He stated that the study could determine if there were elevated rates of illness near the landfill but could not prove if the elevated rates were caused by the landfill. He discussed the progress to date of the study, reviewed the results of the cancer cluster, mortality, birth defect, and low birth rate analyses.*

*Dr. Wendy Kozen, USC, discussed the history of the USC cancer surveillance program, their operations and purposes. She reviewed the criteria for studies of cancer in small areas, common misconceptions about cancers and presented results of the cancer cluster study near Sunshine. She stated that no excess cancers were found in the areas near Sunshine. She stated that the decision on Sunshine should be based on possible exposure routes and not on the cancer cluster study.*

*Board Member Pak asked Dr. Simon about the conclusions of the County's report.*

*Dr. Simon emphasized that this was an interim report, but that based on the analysis so far, he saw nothing unusual. He recommended that the Board's decision not be based on the Health study information.*

*Board Member Cloke asked how long the neighborhood outreach portion of the study would take.*

*Dr. Simon replied that the household survey would be completed sometime between January and spring.*

Elected Officials Testimony

*Chair Cloke stated that a letter submitted to the Board by Supervisor Burke et al could not be taken into the record because it was submitted after the comment deadline.*

*Councilmember Greig Smith, stated that all five Valley Councilmembers would not have voted in support of the zone change for the landfill expansion. He stated that each elected official whose district contains the landfill opposes the landfill. He asked the Board to delay their decision until the Health study was completed. He discussed his concerns about the proposed liner. He discussed the City of LA's recent study of landfill leachate, and the possibility of revocation proceedings.*

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*Bob Haueter, representing Supervisor Antonovich, stated that the Supervisor had no additional comments.*

*Brian Williams, Office of the Mayor, read a letter from the Mayor opposing the WDRs and discussed the City's plans to rid the need for landfills in the City.*

*Bernard C. Parks, Jr., read a letter from LA City Councilmembers Parks, Miscikowski, Perry, and Reyes, supporting the adoption of the WDRs.*

*Gary Washburn, representing Assemblymember Keith Richmann, read a letter opposing the WDRs.*

*Gideon Kracov, City Attorney's Office, opposed the adoption of WDRs.*

*Board Member Nahai asked what the City Attorney's office planned to do in connection with the City's plans to rid the need for landfills in the City.*

*Mr. Kracov replied that in an advisory role, the Attorney's office would work with the Mayor and City Council on alternative disposal solutions and the ongoing investigation for potential revocation proceedings.*

*Board Member Levy asked Mr. Kracov to explain to the Board the potential for revocation proceedings.*

*Mr. Kracov replied that they were just one of the options being considered and that the City would have to make findings first.*

*Board member Pak asked if the City Attorney or Zoning Administrator's office had found any violations that would justify a revocation.*

*Mr. Kracov replied that the City was investigating and collecting evidence in order to determine if there were violations.*

*Board Member Levy asked Dr. Kozner if all zip codes and precincts were considered in the cancer cluster study, since census tracts were not always reliable.*

*Dr. Kozner replied that extra steps were taken to ensure that the data used was accurate.*

*Christopher Munn, representing Supervisor Don Knabe, read a letter into the record supporting the WDRs.*

*Kelly McDowell, City of El Segundo Councilmember, spoke in support of the WDRs.*

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Discharger Presentation

*Dave Edwards, BFI, presented a brief background and introduced other speakers.*

*Sharon Rubalcava, representing BFI, discussed the liner design and responded to comments made by Councilmember Smith regarding the City's testing of leachate. She reviewed statements made regarding the lack of a waterborne pathway for contaminants between the landfill and the community.*

*Shari Libicki, representing BFI, discussed air quality monitoring and the health risk assessment.*

Those in opposition to the WDRs

*Ernest Hilberg  
Frank McArthur, North Valley Coalition  
Kirk Margo  
Maryellen Crosby, Friends of Park  
Jacqueline Margo  
Ronald Nagai, Interim President, Porter Ranch Neighborhood Council  
John Leonard  
Anne Ziliak, North Valley Coalition  
Cherie Mann  
Beth Hall  
Kim Thompson  
Vatchie Kasumyan  
Aдриene Biondo  
Hank Feldmann  
Jerry Piro, East Valley Coalition  
Wayde Hunter, North Valley Coalition  
Marilyn Stout  
Irene Tomlinson  
Alexander Muller  
Becky Bendickson, Granada Hills North Neighborhood Council  
Sylvia Libis, North Vaelley Coalition  
Sal Sciortino  
Scott Manatt, Granada Hills North Neighborhood Council  
Ralph Kroy  
Mary Anna Kienholz  
Mike Rigley, North Valley Coalition  
Peggy Johnson, North Valley Coalition  
Ben Pedrick, Granada Hills North Neighborhood Council*

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Those in support of the WDRs

*Diane Jones  
James O'Mara  
Kaye O'Mara  
Sheldon Levitt, BFI  
Dr. Marlene Bane, BFI  
Bruce Moss, Woodland Hills Chamber of Commerce  
Jackie McMillan, United Chambers of Commerce  
Sue Gornick, Valley Industry and Commerce Association  
Ann Kinzle, Reseda Chamber of Commerce  
Donna Worley*

16. Charnock MTBE Settlement

*Craig Perkins, City of Santa Monica, stated that the proposal to adopt the settlement agreement would be before the City Council within a few days.*

*Brad Boschetto, Shell Oil Company, stated that they were in the final stages of approval and had reached an agreement in principle.*

*William Dial, ChevronTexaco, stated that they were also in the final stages of approval.*

Adjournment of Current Meeting

The meeting adjourned at 6:40 pm. The next regular meeting is scheduled for December 4, 2003, at the City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, CA, at 9:00 a.m.

Minutes adopted at the \_\_\_\_\_ Regular Board meeting submitted/amended.

Written and submitted by: \_\_\_\_\_.

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